

COUNTY COUNCIL

AS AMENDED

OF

HARFORD COUNTY, MARYLAND

BILL NO. 94-83 (as amended)

Introduced by Council President Wilson and Council Members
Pierno and Wagner

Legislative Day No. 94-24 Date September 15, 1994

AN ACT to add the definition of responsible to Section 41-3, Definitions, of Article I, General Provisions, and to repeal and reenact, with amendments, Subsection G of Section 41-26, Formal Contract Procedure, of Article III, Purchase Orders and Contracts, all of Chapter 41, Procurement, of the Harford County Code, as amended; to define a certain term; to require the Director of Procurement to establish a prequalification procedure for certain contracts; to establish certain criteria to be included in the procedure; to exempt certain contracts from the procedure; and generally relating to procurement.

By the Council, September 15, 1994

Introduced, read first time, ordered posted and public hearing scheduled
on: October 11, 1994

at: 6:00 p.m.

By Order: James D. Vannoy, Acting Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on October 11, 1994, and concluded on, October 11, 1994

James D. Vannoy, Acting Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

1 Section 1. Be It Enacted By The County Council of Harford County,
2 Maryland, That the definition of responsible be, and it is hereby,
3 added to Section 41-3, Definitions, of Article I, General
4 Provisions, and that Subsection G of Section 41-26, Formal Contract
5 Procedure, of Article III, Purchase Orders and Contracts, all of
6 Chapter 41, Procurement, of the Harford County Code, as amended,
7 be, and it is hereby repealed and reenacted with amendments, all to
8 read as follows:

9 Chapter 41. Procurement.

10 Article I. General Provisions.

11 Section 41-3. Definitions.

12 For the purposes of this chapter, the following words and phrases
13 shall have the meanings respectively ascribed to them by this
14 section:

15 RESPONSIBLE - A PERSON WHO HAS THE CAPABILITY IN ALL RESPECTS TO
16 PERFORM FULLY THE CONTRACT REQUIREMENTS, AND THE INTEGRITY AND
17 RELIABILITY THAT SHALL ASSURE GOOD FAITH PERFORMANCE.

18 Article III. Purchase Orders and Contracts.

19 Section 41-26. Formal Contract Procedure.

20 G. Capital improvement projects.

21 (1) Plans and specifications. When a capital improvement
22 project is to be performed by contract, the Director of Public
23 Works shall prepare or cause to be prepared necessary plans,
24 specifications and cost estimates for submission to the Director of
25 Procurement.

26 (2) PREQUALIFICATION OF CONTRACTORS FOR CAPITAL IMPROVEMENT
27 PROJECTS.

1 (a) THE DIRECTOR SHALL ESTABLISH BY REGULATION A
2 PREQUALIFICATION PROCEDURE FOR THE PROCUREMENT OF CAPITAL
3 IMPROVEMENT PROJECTS THAT EXCEED \$50,000.

4 (b) THE PREQUALIFICATION PROCEDURE ESTABLISHED BY THE
5 DIRECTOR SHALL AT A MINIMUM DETERMINE WHETHER A PROSPECTIVE BIDDER
6 HAS:

7 (i) THE EXPERIENCE AND SKILL NECESSARY TO PERFORM
8 THE CONTRACT;

9 (ii) THE ABILITY TO COMPLY WITH THE REQUIRED OR
10 PROPOSED DELIVERY OR PERFORMANCE SCHEDULE;

11 (iii) A SATISFACTORY RECORD OF PERFORMANCE;

12 (iv) THE FINANCIAL RESOURCES SUFFICIENT TO PERFORM
13 THE CONTRACT; AND

14 (v) PREVIOUSLY COMPLIED WITH ALL LAWS WHEN
15 FULFILLING A COUNTY CONTRACT.

16 (c) THE PREQUALIFICATION PROCEDURE ESTABLISHED BY THE
17 DIRECTOR SHALL NOT APPLY TO A CAPITAL IMPROVEMENT PROJECT PROCURED
18 AS AN EMERGENCY PURCHASE UNDER SECTION 41-29 OF THIS ARTICLE.

19 (d) THE FACT THAT A PERSON IS PREQUALIFIED DOES NOT MAKE
20 THAT PERSON RESPONSIBLE.

21 ~~(e) THE FACT THAT A PERSON IS NOT PREQUALIFIED SHALL NOT~~
22 ~~PROHIBIT THAT PERSON FROM SUBMITTING A BID.~~

23 (e) A PERSON WHO IS NOT PREQUALIFIED SHALL NOT BE
24 PERMITTED TO SUBMIT A BID.

25 [(2)] (3) Invitation to bid and public announcement. Upon
26 receipt of a properly approved capital improvement project,

1 including plans, specifications and cost estimates, the Director
2 shall prepare bid forms, issue invitations to bid and make public
3 announcements as prescribed in this chapter for formal competitive
4 bidding or professional or other consultant services.

5 [(3)] (4) Contractor selection. After evaluation of bids and
6 determination as to the lowest responsible bidder, a contract award
7 notification letter shall be sent by the Director of Procurement to
8 the lowest responsible bidder along with contractual documents for
9 execution by the lowest responsible bidder.

10 [(4)] (5) Contract execution. Unless extended by the county,
11 the successful bidder must, within [ten (10)] 10 days after receipt
12 of contract award notification letter and contractual documents,
13 sign and return the contract along with required performance and
14 payment bonds and other pertinent documents to the Director of
15 Procurement. Upon return of the documents to the county, the
16 contract shall be executed by the County Executive or [his] the
17 County Executive's designee.

18 [(5)] (6) Notice to proceed. After the contract has been
19 fully executed, the Director of Procurement shall provide the
20 contractor and the Director of Public Works with a copy of the
21 completed contract and, after consultation with the Director of
22 Public Works and the Treasurer, issue a notice to proceed to the
23 contractor.

24 [(6)] (7) Contract administration, construction, control and
25 supervision. The Director shall be responsible for the supervision
26 of the administration of the contract, and the Director of Public

HARFORD COUNTY BILL NO. 94-83 (as amended)

(Brief Title) Procurement - Bidder Prequalification

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

James D. Varnney
Acting Secretary
of the Council

Date October 18, 1994

ENROLLED

[Signature]
President of the Council

Date October 18, 1994

BY THE COUNCIL

Read the third time.

Passed: LSD 94-28 (October 18, 1994)

Failed of Passage: _____

By Order

James D. Varnney
Acting Secretary

Sealed with the County Seal and presented to the County Executive for approval this 19th day of October, 1994 at 3:00 p. m.



James D. Varnney
Acting Secretary

BY THE EXECUTIVE

Lillian M. Richardson
COUNTY EXECUTIVE

APPROVED: Date October 26, 1994

BY THE COUNCIL

This Bill (No. 94-83, as amended), having been approved by the Executive and returned to the Council, becomes law on October 26, 1994.

James D. Varnney
Acting Secretary of the Council

EFFECTIVE DATE: December 27, 1994